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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/810,927 | 03/16/2001 | Eugene Medlock | 01017/36917A | 7150 |
| 4743 | 7590 | 08/04/2005 | EXAMINER | |
| MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606 | | | HAMUD, FOZIA M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1647 | |

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Notice of Allowability**

Application No.

09/810,927

Examiner

Fozia M. Hamud

Applicant(s)

MEDLOCK ET AL.

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to telephonic interview with Attorney Sintich on 29 July 2005.
2. ☐ The allowed claim(s) is/are 4-12, 14, 59-61, 74-75, 91-92, 97-98, 100, 102-107, (now renumbered 1-26).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

**JOSEPH MURPHY
PATENT EXAMINER**

Supplemental Examiner's Amendment

1a. A supplemental Examiner's Amendment to the record appears below. This Examiners' amendment replaces the previous Examiner's Amendment mailed on July 14 2005. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee. Authorization for this Examiner's Amendment was given in a telephone interview with Attorney Sharon M. Sintich on 29 July 2005.

1b. Attorney Sharon M. Sintich called on 29 July 2005, to point out some discrepancies on the notice of Allowability.

IN THE CLAIMS.

Please rewrite claim 7 as follows:

2a. Claim 7 (once amended) An isolated host cell modified by transformation or transfection with a regulatory nucleic acid, wherein said regulatory nucleic acid is operatively linked to the nucleic acid comprising the nucleotide sequence of SEQ ID NO:4.

2b. In claims 59, 61, 107, line 1, after "comprising", delete "a", and substitute therefor ----the----

2c. In claim 60, line 1, before "composition" delete "a", and substitute therefor ---the--

2d. In claim 74, line 4, before "amino acid" delete "a", and substitute therefor ---the--

2e. In claims 91, 92, line 1, before "isolated" delete "an", and substitute therefor --the-

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2f. In claim 100, sub-parts (a), (b), (c), before "nucleotide" delete "a", and substitute therefor -----the----

2g. In claim 100, sub-parts (d), (e), (f), after "encoding" delete "a", and substitute therefor ---the----

2h. In claims 102 and 104, line 1, after " comprising" delete "a" and substitute therefor ---the----

2i. In claim 103, line 3, before " amino acid delete "an" and substitute therefor ---the—

2j. In claim 106, line 2, after "encoding" delete "a", and substitute therefor ---the----

Status of Claims:

3a. Claims 4-12, 14, 59-61, 74-75, 91-92, 97-98, 100, 102-107 (now renumbered 1-26) are allowed.

Advisory Information:

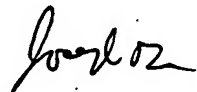
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fozia M. Hamud whose telephone number is (571) 272-0884. The examiner can normally be reached on Monday, Thursday-Friday, 6:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda G. Brumback can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Fozia Hamud
Patent Examiner
Art Unit 1647
29 July 2005


JOSEPH MURPHY
PATENT EXAMINER